

Message Text

SECRET

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ORIGIN NEA-10

INFO OCT-01 ISO-00 SS-15 NSC-05 L-03 SSO-00 NSCE-00 CCO-00

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DRAFTED BY /NEA:BKHUFFMAN:DSC

APPROVED BY L:MLEIGH

P:TMDEFORD

NEA:HHSAUNDERS

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TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 231846 TOSEC 140037

E.O. 11652: GDS

TAGS: PFOR, IS, US, EG

SUBJECT: ACTION MEMORANDUM - LETTER TRANSMITTING
DECEMBER 20, 1973 MOU TO CONGRESS(S/S NO.7519214)

FOR UNDER SECRETARY SISCO FROM LEIGH

1. FOLLOWING IS PROPOSED LETTER (CLEARED BY HAL SAUNDERS)
TO CHAIRMEN OF SENATE FOREIGN RELATIONS COMMITTEE AND
HOUSE INTERNATIONAL AFFAIRS COMMITTEE CONCERNING DECEMBER
20, 1973 MEMORANDUM OF UNDERSTANDING AND CASE ACT.

QTE: DEAR MR. CHAIRMAN: ON DECEMBER 20, 1973 THE UNITED
STATES AND ISRAEL ENTERED INTO A MEMORANDUM OF UNDERSTAND-
ING REGARDING VARIOUS MATTERS. IT IS NOW
APPARENT THAT SOME OF THE PROVISIONS OF THIS MEMORANDUM OF
UNDERSTANDING ARE OF A CHARACTER WHICH UNDER CUSTOMARY
CRITERIA WOULD NECESSITATE TREATING THE DOCUMENT AS AN
INTERNATIONAL AGREEMENT WITHIN THE MEANING OF THE CASE ACT
AND SUBJECT TO ITS REQUIREMENTS.

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HOWEVER, THERE WAS APPARENTLY A MISTAKEN IMPRESSION AMONG THOSE INVOLVED AT THAT TIME THAT BECAUSE THE DOCUMENT WAS CALLED A MEMORANDUM OF UNDERSTANDING RATHER THAN AN AGREEMENT THERE WAS NO REQUIREMENT THAT IT BE SENT TO THE CONGRESS. ACCORDINGLY, THIS MEMORANDUM OF UNDERSTANDING WAS BY OVERSIGHT NOT REVIEWED BY THE TREATY AFFAIRS SECTION OF

THE LEGAL ADVISER'S OFFICE, WHICH ADMINISTERS IMPLEMENTATION OF THE CASE ACT, UNTIL EARLY SEPTEMBER, WHEN REFERENCE TO THE DOCUMENT IN THE SINAI PAPERS LED THE LEGAL ADVISER TO ASK FOR A COPY.

ACCORDINGLY, I AM MAKING FORMAL TRANSMISSION OF THE DOCUMENT AT THIS TIME. WE BELIEVE THAT THIS EPISODE IS AN ABERRATION AND THAT NO OTHER EXAMPLES OF THIS KIND OF MISAPPREHENSION HAVE OCCURRED. IN ANY CASE, WE ARE TAKING MEASURES TO ASSURE THAT THEY DO NOT OCCUR HEREAFTER.

SINCE THE AGREEMENT REMAINS CLASSIFIED, IT IS BEING TRANSMITTED UNDER AN INJUNCTION OF SECRECY AS CONTEMPLATED BY THE CASE ACT.

SINCERELY YOURS,

MONROE LEIGH
THE LEGAL ADVISER
END QUOTE

2. RECOMMENDATION:

THAT YOU APPROVE THE PROPOSED LETTER.

APPROVE DISAPPROVE
INGERSOLL

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, AGREEMENTS, US CONGRESSIONAL PRESENTATIONS
Control Number: S7519214
Copy: SINGLE
Draft Date: 30 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE231846
Document Source: CORE
Document Unique ID: 00
Drafter: BKHUFFMAN:DSC
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750337-0788
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975095/aaaaadqt.tel
Line Count: 95
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 01 OCT 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 OCT 2003 by ellisoob>; APPROVED <27 OCT 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ACTION MEMORANDUM - LETTER TRANSMITTING DECEMBER 20,1973 MOU TO CONGRESS(S/S NO.7519214)
TAGS: PFOR, IS, US, EG
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006